

HOUSE BILL 3185

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 4, Part 9, relative to postsecondary
financial assistance from net lottery proceeds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by
adding the following language as a new, appropriately designated section:

§ 49-4-9__.

(a) TSAC shall establish and implement an ASPIRE work-study program to
provide additional financial assistance from net lottery proceeds to Tennessee citizens
who are recipients of Tennessee HOPE scholarships and who also receive ASPIRE
awards pursuant to § 49-4-915.

(b) The ASPIRE work-study program shall provide work opportunities for
ASPIRE students in public schools in this state and in after school programs offered
under title 49, chapter 6, part 7. ASPIRE students shall be employed to tutor, mentor or
otherwise assist elementary and secondary students in improving academic
performance in order that such students may eventually qualify for Tennessee HOPE
scholarships. The board of education of any LEA may, by resolution, determine that the
LEA will participate in the ASPIRE work-study program. If an LEA determines that it will
participate in the ASPIRE work-study program, it shall identify for approval by TSAC
tutoring, mentoring and other work opportunities for ASPIRE students that will assist
public school students in improving academic performance. Once an LEA has
determined it will participate in the ASPIRE work-study program, it may by resolution
withdraw participation. Such withdrawal shall be effective in the school year next
succeeding the date of the resolution. An organization operating an after school

program pursuant to §§ 49-6-701—49-6-704 may determine, with the approval of the department of education, that the organization's after school program will participate in the ASPIRE work-study program. If an organization operating such after school program determines that it will participate in the ASPIRE work-study program, it shall identify for approval by TSAC tutoring, mentoring and other work opportunities for ASPIRE students that will assist students in the after school program in improving academic performance. Once an organization operating such after school program has determined it will participate in the ASPIRE work-study program, it may withdraw participation. Such withdrawal shall be effective for the school year next succeeding the date of its decision to withdraw. The department of education may permit ASPIRE students to participate in work-study programs in pilot after school programs offered pursuant to § 49-6-705.

(c) The ASPIRE work-study program shall pay no less than ten dollars (\$10.00) per hour to students employed in the program. Students in the program shall work no more than ten (10) hours per week and shall not work during examination periods at the postsecondary institutions at which they are attending. No student shall be eligible to earn more than one thousand dollars (\$1,000) per semester in the ASPIRE work-study program. Such amounts are subject to appropriation by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from net proceeds of the state lottery.

(d) TSAC shall notify ASPIRE recipients annually of the availability of the ASPIRE work-study program and the criteria for eligibility.

(e) To be eligible for the ASPIRE work-study program, a student shall:

(1) Be eligible for an ASPIRE award under § 49-4-915;

(2) Meet any academic qualification set by TSAC for employment by the ASPIRE work-study program. Such qualification may be higher than the cumulative grade point required for continuation of the Tennessee HOPE scholarship under § 49-4-911, if TSAC finds such higher standard appropriate to ensure that such students are capable of working in the ASPIRE work-study program and at the same time maintaining their Tennessee HOPE scholarships;

(3) Be recommended for participation in the ASPIRE work-study program by the eligible postsecondary institution that the student is attending;

(4) Undergo a criminal background check, which shall include:

(A) Supplying a fingerprint sample and submitting to a criminal history records check to be conducted by the Tennessee bureau of investigation;

(B) Agreeing to the release of all investigative records to TSAC for examination for the purpose of verifying the accuracy of criminal violation information; and

(C) Signing an authorization and release form provided by TSAC, authorizing a qualified Tennessee licensed private investigation company by and on behalf of TSAC to complete a criminal history records check; and

(5) Submit an application as directed by TSAC for employment with the ASPIRE work-study program.

(f)

(1) As used in this section, “qualified Tennessee licensed private investigation company” means a company that is licensed by the department of commerce and insurance, insured with at least three million dollars (\$3,000,000)

worth of errors and omissions insurance and that carries sufficient indemnification coverage.

(2) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting criminal background investigation of an applicant shall be paid by the applicant. The applicant shall be provided a copy of all criminal history records check documentation. In lieu of additional criminal history records checks for subsequent applications, the applicant may submit copies of the applicant's initial criminal history records check documentation and shall not be required to pay any additional costs.

(g) Prior to a student beginning work in the ASPIRE work-study program and an employing LEA or after school program permitting a student to begin work, TSAC shall provide to the student and the employing LEA or after school program a student placement form. This form shall specify the periods during which a student is eligible to work, the TSAC approved hourly pay rate, the maximum number of hours the student may work each week, and the maximum amount the student may earn through the ASPIRE work-study program. If an employing LEA or after school program permits a student to begin work without receiving a student placement form, the employing LEA or after school program is responsible for paying the student in full for all hours worked prior to receiving the placement form.

(h) Employing LEAs and after school programs may be permitted to interview students applying to work in the ASPIRE work-study program. No student shall be denied participation in the ASPIRE work-study program because of race, color, national origin or sex.

(i) At no time shall a student be left alone in a work-study assignment without the supervising presence of a paid, full-time employee of the employing LEA or after school program.

(j) The employing LEA or after school program shall immediately contact TSAC, if the employing LEA or after school program :

(1) Has concern about an ASPIRE work-study student's performance; or

(2) Requests reassignment or dismissal of an ASPIRE work-study student.

(k)

(1) TSAC is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(2) The commissioner of education is authorized to promulgate rules and regulations to effectuate the purposes of this section, including, but not limited to, the participation in the ASPIRE work-study program by LEAs and organizations offering after school programs and the employment of ASPIRE students in the pilot after school programs under § 49-6-705. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated from the lottery for education account by the general appropriations act.

SECTION 3. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2008, the public welfare requiring it.